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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,408	07/22/1999	MANABU OHGA	862.2936	1537

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EXAMINER

BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/22/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,408

Applicant(s)

MANABU OHGA AND YOKOHAMA-SHI

Examiner

Anand Bhatnagar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's RCE (paper # 14 filed on 02/10/03) has been entered and made of record.
2. Applicant has amended all the independent claims (1,8,14,16,18, and 20) with a new limitation of "to select calorimetric data from a plurality of sets of colorimetric data in accordance with relation between the input viewing condition and a viewing condition of each light source". This limitation is now vague and indefinite because now there are two viewing conditions in the claims and neither one is defined so the examiner does not know if they are the same conditions or different conditions. Also this limitation is not supported by the specifications because the light source is a viewing condition not that a light source has a viewing condition.
3. Applicant's representative also argues in paper #14 (pg. 7 lines 9-12) that the Shiraiwa does not teach or suggest performing a selection of colorimetric data corresponding to a viewing condition. Examiner disagrees. The applicant has not defined in the claim language what he considers his colorimetric data to be. Shiraiwa et al. (U.S. patent 6,453,066) teaches this limitation of selecting colorimetric data based on an input viewing condition (fig. 3 elements 311 and 314, fig. 8 elements 315 and 304, and col. 10 lines 10-48, where the the colorimetric data (chromaticity,color temperature,intensity) is selected based on the ambient light "viewing condition").

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,8,14,16,18, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The new limitation of "to select calorimetric data from a plurality of sets of colorimetric data in accordance with relation between the input viewing condition and a viewing condition of each light source" is not supported by the specifications. The colormetric data from a plurality of colorimetric data of light sources is selected based on an input viewing condition and not on the viewing condition of each light source.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,8,14,16,18, and 20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. These claims are now vague and indefinite as amended with the new limitation. There are now two viewing conditions in the claim languages but

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neither one is defined and it is not understood if they are the same or different viewing conditions. Also it is not understood how a light source has a viewing condition because the light source is a viewing condition in the specification.

These claims will be addressed as best understood by the examiner and refers back to the rejection of paper #11 filed on 11/04/02.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiraiwa et al. (U.S. patent 6,453,066).

Regarding claims 1 and 8: An image processing method comprising the steps of:

obtaining a plurality of sets of colorimetric data which correspond to respective light sources (Fig. 1 element 312 and col. 5 lines 20-25, where colorimetric data is obtained for different light sources)

inputting a viewing condition (Fig. 1 element 311, where the ambient light condition is determined)

selecting colorimetric data from the plurality of colorimetric data in accordance with the input viewing condition (fig. 1 elements 304 and 311, fig. 3 elements 311 and 314, fig. 8 elements 304 and 315, col. 5 lines 25-40, and col. 10 lines 10-54, where colorimetric data is chosen based on the ambient light and then converted by a matrix); and

conjecturing colorimetric data corresponding to the input viewing condition based on the selected colorimetric data (col. 6 lines 12-40, where the colorimetric data (RGB) is determined in accordance to the viewing light conditions by being converted by the matrix).

Regarding claims 14 and 16: They are rejected for the same reasons as claim 1 and 8 above. As for the following limitations:

an obtaining section, arranged to obtain a plurality of sets of colorimetric data which correspond to respective light sources (Fig.1 element 304 where the signal converter obtains the colorimetric data of ambient lights)

an inputting section, arranged to input a viewing condition (Fig.1 elements 304 and 311, where the viewing condition is inputted into the signal converter);

a selector, arranged to select colorimetric data from the plurality of sets of colorimetric data in accordance with the input viewing condition (Fig. 3 elements 311,313, and 314 and col. 8 lines 6-16, where the colorimetric data is selected based on the viewing conditions); and

a conjecturing section, arranged to conjecture colorimetric data corresponding to the input viewing condition based on the selected colorimetric data (Fig. 3 element 314, where the colorimetric data (RGB) is conjectured by the selected data being converted by a matrix)

Regarding claims 18 and 20: They are rejected for the same reason as claims 1, 8, 14, and 16 above. As for the following limitations: a computer program product storing a computer readable medium having computer program codes, for an image processing method (col. 11 lines 8-45).

Regarding claims 2,9,15,17, and 19: The method further comprising the step of caching the conjectured colorimetric data to the profile (fig. 3 element 305 and col. 5 lines 40-52, where the conjectured colorimetric data is stored along with the profile).

Regarding claim 3: The method further comprising the step of generating conversion data for color matching based on the conjectured colorimetric data (col. 8 lines 12-50, where the conjectured data (RGB) is used to determine the conversion data for reference white light and the monitor white light).

Regarding claims 4 and 10: The method wherein said selecting step includes selecting colorimetric data by comparing a chromaticity of a light source designated by the input viewing condition with chromaticities of the plurality of light sources to which the sets of colorimetric data correspond (col. 7 lines 60-67, col. 8 lines 1-5, and col. 10 lines 32-53, where chromaticity for ambient light is used for color matching).

Regarding claims 5 and 11: The method wherein said selecting step includes selecting colorimetric data by comparing a color temperature of a light source designated by the input viewing condition with color temperatures of the plurality to which the sets of colorimetric data correspond (col. 10 lines 32-53, where color temperature is used for color matching).

Regarding claims 6 and 12: The method wherein said conjecturing step includes conjecturing colorimetric data corresponding to the input viewing condition by using a color appearance model (col. 10 lines 32-53, where data is converted based on light conditions and color appearance model).

Regarding claims 7: The method wherein the conjectured colorimetric data is cached to the profile in correspondence with the input viewing condition (col. 5

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lines 41-46, where the colorimetric data is stored with the profile and the viewing conditions such as chromaticity of the light).

Regarding claim 13: The method wherein the generated data is cached to another profile in correspondence with the input viewing condition (col. 5 lines 47-53, where the data is stored with the monitor profile and the viewing conditions).

Regarding claim 21: It is rejected for the combination of reasons of rejected claims 18 and 20 with rejected claims 2,9,15,17, and19.

Contact Information

7. Any inquiry into this communication should be directed to Anand Bhatnagar whose telephone number is 703-306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700, and group fax is 703-872-9314.

AB

Anand Bhatnagar

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April 21, 2003



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